

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims

1. (canceled)

2. (canceled)

3. (currently amended) ~~The method of claim 1,~~ A method of transferring a set of data over a network, the method comprising:

monitoring the level of actual network bandwidth utilization;

identifying a maximum monitored level of actual utilization;

calculating a block size to transfer as a function of the maximum monitored level of utilization, wherein said block size is adjusted according to said maximum level of actual utilization, the method comprising bounding said block size between a maximum threshold value and a minimum threshold value[.]; and

receiving said block size portion of the set of data over the network at one or more intervals.

4. (original) The method of claim 3 wherein said maximum threshold is a function of available memory in the receiving device, and wherein said minimum threshold is determined based on network packet header size.

5-6. (canceled)

7. (currently amended) ~~The method of claim 5, further comprising:~~ A method of transferring a set of data over a network, the method comprising:

monitoring the level of actual network bandwidth utilization;

identifying a maximum monitored level of actual utilization;

calculating a block size to transfer as a function of the maximum monitored level of utilization;

receiving said block size portion of the set of data over the network at one or more intervals;

increasing the size of the intervals when said block size is below a minimum threshold; and

decreasing the size of the intervals when said block size exceeds a maximum threshold.

8-15. (canceled)

16. (currently amended) A computer-readable medium having stored thereon one or more data structures, comprising:

a first data field containing data representing a timestamp of when the level of actual network bandwidth utilization was monitored; and

a second data field containing data representing a quantity of data that had passed through the network interface at ~~the~~ a time corresponding to said time stamp.

17. (currently amended) The computer-readable medium of claim 16, wherein network ~~utilization~~ utilization is calculated based on the difference in values between a first data structure and a second data structure.

18. (original) The computer-readable medium of claim 16, wherein the actual network bandwidth utilization is monitored at an interface between a client machine and the network.

19-22. (canceled)

23. (currently amended) ~~The method of claim 21~~ A method of refining network utilization determination and download data block sizes in the transfer of a set of data over a network comprising:

obtaining a network utilization rate at a plurality of intervals;

computing an average of said network utilization rates, wherein said computed average is weighted by allocating a higher ratio to the more recently obtained network utilization rate[.]; and

computing a block size of data to transfer during said intervals as a function of said average.

24. (currently amended) ~~The method of claim 21~~ A method of refining network utilization determination and download data block sizes in the transfer of a set of data over a network comprising:

obtaining a network utilization rate at a plurality of intervals;

computing an average of said network utilization rates; and

computing a block size of data to transfer during said intervals as a function of said average, wherein said block size is directly proportional to the product of said average, the size of said interval and network availability.

25. (currently amended) ~~The method of claim 21~~ A method of refining network utilization determination and download data block sizes in the transfer of a set of data over a network comprising:

obtaining a network utilization rate at a plurality of intervals;

computing an average of said network utilization rates; and

computing a block size of the data to transfer during said intervals as a function of said average, wherein said intervals have a size that is adjusted based on said computed block size.

26-28. (canceled)